

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 176

HOUSE BILL 2013

AN ACT

RENUMBERING SECTION 15-978, ARIZONA REVISED STATUTES, AS ADDED BY 2002 PROPOSITION 202, SECTION 6, AS SECTION 15-979; AMENDING SECTION 37-521, ARIZONA REVISED STATUTES, AS AMENDED BY 2002 PROPOSITION 300, SECTION 1; REPEALING SECTION 37-521, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, SECOND SPECIAL SESSION, CHAPTER 6, SECTION 7; AMENDING SECTION 41-2306, ARIZONA REVISED STATUTES, AS AMENDED BY 2002 PROPOSITION 202, SECTION 10; REPEALING SECTION 41-2306, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 288, SECTION 14; RENUMBERING SECTION 41-3012.01, ARIZONA REVISED STATUTES, AS ADDED BY 2002 PROPOSITION 301, SECTION 2, AS SECTION 41-3012.16; RELATING TO MULTIPLE LEGISLATIVE AND VOTER ENACTED AMENDMENTS TO STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 Pursuant to section 41-1304.01, paragraph 2, Arizona Revised Statutes,
4 the purpose of this act is to renumber statutes added by ballot propositions
5 in the 2002 general election that were also added by the legislature in 2002
6 and to combine legislative amendments to statutes enacted in 2001 and 2002
7 with amendments to the same statutes enacted by ballot propositions in the
8 2002 general election as follows:

9 1. Section 15-978, Arizona Revised Statutes, was added by Laws 2002,
10 chapter 301, section 4 and by 2002 Proposition 202, section 6. The version
11 added by Laws 2002, chapter 301 relates the classroom site fund budget limit
12 and the version added by 2002 Proposition 202 relates to the instructional
13 improvement fund. In order to resolve these conflicting multiple enactments,
14 this act renumbers section 15-978, Arizona Revised Statutes, as added by 2002
15 Proposition 202, section 6, as section 15-979.

16 2. Section 37-521, Arizona Revised Statutes, was amended by Laws 2001,
17 second special session, chapter 6, section 7, effective December 19, 2001,
18 and by Proposition 300 in the 2002 general election. This act amends the
19 Proposition 300 version to incorporate the changes made by Laws 2001, second
20 special session, chapter 6, and the chapter 6 version is repealed.

21 3. Section 41-2306, Arizona Revised Statutes, was amended by Laws
22 2002, chapter 288, section 14, effective July 1, 2003, and by Proposition 202
23 in the 2002 general election. This act amends the Proposition 202 version
24 to incorporate the changes made by Laws 2002, chapter 288, and the chapter
25 288 version is repealed.

26 4. Section 41-3012.01, Arizona Revised Statutes, was added by Laws
27 2002, chapter 8, section 2 and by 2002 Proposition 301, section 2. The
28 version added by Laws 2002, chapter 8 provides for the sunset termination of
29 the department of veterans' services and the version added by 2002
30 Proposition 301 provides for the sunset termination of the Arizona state
31 lottery commission. In order to resolve these conflicting multiple
32 enactments, this act renumbers section 41-3012.01, Arizona Revised Statutes,
33 as added by 2002 Proposition 301, section 2, as section 41-3012.16.

34 Sec. 2. Renumber

35 Subject to the requirements of article IV, part 1, section 1,
36 subsection (6), Constitution of Arizona, section 15-978, Arizona Revised
37 Statutes, as added by 2002 Proposition 202, section 6, is renumbered as
38 section 15-979.

39 Sec. 3. Section 37-521, Arizona Revised Statutes, as amended by 2002
40 Proposition 300, section 1, is amended to read:

41 37-521. Permanent state school fund; composition; use

42 A. The permanent state school fund shall consist of:

43 1. The proceeds of all lands granted to the state by the United
44 States for the support of common schools.

45 2. All property which accrues to the state by escheat or forfeiture.

1 3. All property donated for the benefit of the common schools, unless
2 the terms of the donation otherwise provide.

3 4. All unclaimed shares and dividends of any corporation incorporated
4 under the laws of this state.

5 5. The proceeds of sale of timber, mineral, gravel or other natural
6 products or property from school lands and state lands other than those
7 granted for specific purposes.

8 6. The residue of the lands granted for payment of the bonds and
9 accrued interest issued by Maricopa, Pima, Yavapai and Coconino counties,
10 after the purpose of the grant has been satisfied, and the five per cent of
11 the proceeds of sales of public lands lying within this state sold by the
12 United States subsequent to admission of this state into the union, as
13 granted by the enabling act.

14 B. The fund shall be and remain a perpetual fund and distributions
15 from the fund pursuant to article X, section 7, Constitution of Arizona, plus
16 monies derived from the rental of the lands and property, interest and
17 accrued rent for that year credited pursuant to section 37-295 and interest
18 paid on installment sales, shall be used as follows:

19 1. If there are outstanding state school facilities revenue bonds
20 pursuant to title 15, chapter 16, article 6, OR OUTSTANDING QUALIFIED ZONE
21 ACADEMY BONDS PURSUANT TO TITLE 15, CHAPTER 16, ARTICLE 7, the state
22 treasurer and the state land department shall annually transfer to the state
23 school facilities revenue bond debt service fund established in section
24 15-2054 the amount that is necessary to pay that fiscal year's debt service
25 on outstanding state school facilities revenue bonds OR QUALIFIED ZONE
26 ACADEMY BONDS.

27 2. If there are no outstanding state school facilities revenue bonds
28 pursuant to title 15, chapter 16, article 6 or if the amount of monies
29 available under this subsection exceeds the amount required under paragraph
30 1 of this subsection, the monies are subject to legislative appropriation to
31 the new school facilities fund established by section 15-2041.

32 3. If the amount of monies available under this subsection exceeds
33 the amount required under paragraphs 1 and 2 of this subsection, the
34 legislature may annually appropriate an amount to be used as provided in
35 section 15-971, subsection H, except that the amount appropriated may not
36 exceed the amount appropriated from the permanent state school fund and from
37 the rent and interest paid on installment sales for this purpose in fiscal
38 year 2000-2001.

39 4. Notwithstanding paragraphs 1, 2 and 3 of this subsection, from and
40 after June 30, 2001, any expendable earnings under this subsection that
41 exceed the fiscal year 2000-2001 expendable earnings shall be deposited in
42 the classroom site fund established by section 15-977.

43 Sec. 4. Repeal

44 Section 37-521, Arizona Revised Statutes, as amended by Laws 2001,
45 second special session, chapter 6, section 7, is repealed.

1 Sec. 5. Section 41-2306, Arizona Revised Statutes, as amended by 2002
2 Proposition 202, section 10, is amended to read:

3 41-2306. Tourism fund

4 A. The tourism fund is established consisting of separate accounts
5 derived from:

6 1. Revenues deposited pursuant to section 42-5029. ~~, subsection D,~~
7 ~~paragraph 4, subdivision (f).~~ The legislature shall appropriate All monies
8 in this account ARE CONTINUOUSLY APPROPRIATED to the office of tourism for
9 the purposes of operations and statewide tourism promotion.

10 2. Revenues deposited pursuant to section 5-835, subsection B or
11 C. ~~The legislature shall appropriate~~ All monies in this account ARE
12 CONTINUOUSLY APPROPRIATED to the office of tourism which, in consultation
13 with a consortium of destination marketing organizations in the county in
14 which the tourism and sports authority is established, shall be spent only
15 to promote tourism within that county and shall not be spent for
16 administrative or overhead expenses.

17 3. Revenues deposited pursuant to section 42-6108.01. The legislature
18 shall appropriate all monies in this account to the office of tourism which,
19 in conjunction with the destination marketing organization in the county in
20 which the tax revenues are collected, shall be spent only to promote tourism
21 within that county and shall not be spent for administrative or overhead
22 expenses.

23 4. Revenues deposited pursuant to section 5-601.02(H)(3)(b)(iv). The
24 office of tourism shall administer the account. The account is not subject
25 to appropriation, and expenditures from the fund are not subject to outside
26 approval notwithstanding any statutory provision to the contrary. Monies
27 received pursuant to section 5-601.02 shall be deposited directly with this
28 account. On notice from the office of tourism, the state treasurer may
29 invest and divest monies in the account as provided by section 35-313, and
30 monies earned from investment shall be credited to the account. No monies
31 in the account shall revert to or be deposited in any other fund, including
32 the state general fund. Monies in this account shall supplement, not
33 supplant, current funds in other accounts of the tourism fund. Monies in
34 this account shall be spent only to promote tourism within the state and
35 shall not be used for administrative or overhead expenses.

36 B. Monies in the fund are exempt from section 35-190 relating to
37 lapsing of appropriations.

38 Sec. 6. Repeal

39 Section 41-2306, Arizona Revised Statutes, as amended by Laws 2002,
40 chapter 288, section 14, is repealed.

41 Sec. 7. Renumber

42 Subject to the requirements of article IV, part 1, section 1,
43 subsection (6), Constitution of Arizona, section 41-3012.01, Arizona Revised
44 Statutes, as added by 2002 Proposition 301, section 2, is renumbered as
45 section 41-3012.16.

1 Sec. 8. Retroactivity

2 Sections 5 and 6 of this act apply retroactively to from and after June
3 30, 2003.

4 Sec. 9. Requirements for enactment; three-fourths vote

5 Pursuant to article IV, part 1, section 1, subsection (6), Constitution
6 of Arizona, the renumbering of section 15-978, Arizona Revised Statutes, as
7 added by 2002 Proposition 202, section 6, and section 41-3012.01, Arizona
8 Revised Statutes, as added by 2002 Proposition 301, section 2, is effective
9 only on the affirmative vote of at least three-fourths of the members of each
10 house of the legislature.

APPROVED BY THE GOVERNOR MAY 9, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2003.

Passed the House January 23, 2003, Passed the Senate May 1, 2003

by the following vote: 54 Ayes, by the following vote: 29 Ayes,

0 Nays, 5 Not Voting
1 Vacancies
Article IV, part 1, subsection 6
for sections 2 & 7 of the bill
Speaker of the House
Pro Tempore
Norman L. Moore
Chief Clerk of the House

0 Nays, 1 Not Voting
with Article IV, part 1, Sec. 1, sub 6
for Secs. 2 and 7
President of the Senate
Chaimin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of May, 2003

at 1:53 o'clock P. M.

Sandra Hemery
Secretary to the Governor

Approved this 9 day of

May, 2003,

at 2:45 o'clock P. M.

Jon May 15
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of May, 2003,

at 4:13 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2013